IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 23997 of 2004

Between:

Gattu Satish, S/.o. Maruthi Rao,
President of Jagtial Telugu Desam Pattana Party,
Jagtial, Karimnagar District.

..... PETITIONER

AND

1. Jagtial Municipality,
Rep by the Commissioner,
Jagatial, Karimnagar District.
2 The Chair Person,
Jagatial Municipality,
Jagatial, Karimnagar District.
3 Govt. of A.P. rep. by the Principal Secretary,
Municipal Administration, Secretariat, Hyderabad
(R 3 is impleaded as per court order dt. 28-12-2004 in
WPMP 32031 of 2004)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction or writ more appropriately writ of mandamus to declare the action of the Respondents in calling for sealed tenders vide Notification No. MCJ/ME/2004/05/07dated
25-11-2004 published in VAARTHA Telugu Daily News paper Karimnagar District edition dated 14-12-2004 as illegal and set aside the same.

Counsel for the Petitioner: MR.K.RAJANNA

Counsel for the Respondent Nos.1&2: MR.POLISETTI RADHAKRISHNA
Counsel for Respondent No.3: The Advocate General.

The Court at the admission stage made the following:

ORAL ORDER: (per Hon'ble the Chief Justice)

Counter affidavit has not been filed despite several opportunities.

Petitioner is the President of Telugu Desam Pattana Party, Jagitial, Karimnagar District. He had questioned the action of the respondent Municipality in having issued tender notification dated 25.11.2004 for as many as 162 works at an estimated cost of Rs.301.4 lakhs. The main basis on which the writ petition was filed was that most of the works had already been completed to an extent of 60% to 70% during the year 2003-04. Though the works had already been completed to an extent of 60% to 70%, respondent Municipality issued fresh tenders for the same works. Petitioner also alleged that respondents secretly maintained the notification and kept with them for more than 15 days, got it published in news paper only on 13.12.2004 and the sale of tender applications was on 17.12.2004. The tender schedules were to be supplied from 18.12.2004 to 20.12.2004 and the submission of tender schedules was upto 3.00 p.m. on 22.12.2004. The opening of sealed tenders was on 22.12.2004. Everything was done hurriedly in order to avoid criticism either by the public or by the press. According to the petitioner, respondents proceeded illegally by calling for fresh tenders for the works already done.

On filing the writ petition, interim order was issued which was extended till date. Learned Advocate General appearing for the State Government submits that the State Government has decided to cancel the tender after withdrawing the notification.

Since there is no counter affidavit despite service, we allow the writ petition in terms thereof and quash and set aside the tender notification issued by respondent Municipality. For the works already completed, respondent Municipality will pay from out of its own funds.

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DEVINDER GUPTA, CJ

Dated 01..03..2005

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B.SESHASAYANA REDDY,J

msv

To

1. The Commissioner, Jagtial Municipality,
Jagatial, Karimnagar District.
2 The Chair Person,
Jagatial Municipality,
Jagatial, Karimnagar District.
3 The Principal Secretary, Govt. of A.P.,
Municipal Administration, Secretariat, Hyderabad
4 Two CD Copies

5 2 CCs to the Advocate General, High court of A.P. Hyderabad (OUT)